Before the Federal Communications Commission
Washington, D.C.

In the Matter Of	)	
	)	
	)	
Schools and Libraries	)	CC Docket No. 02-6
Universal Service Support Mechanism	)	
	)	
Request for Review and/or Waiver	)	
By Sweetwater City Schools *et al.*	)	Application Nos. 917099, 919406,
of the Funding Decisions by the	)	945733,947375, 1012581, *et al.*
Universal Service Administrative Company	)	

Affidavit of Joan Gray

I, Joan Gray, swear:

QUALIFICATIONS AND BACKGROUND

1. I am the executive director of Tennessee Educational Technology Association (TETA) and the chair of the Tennessee State Chapter of the Consortium for School Networking (CoSN).
2. I was one of the members of the panel that reviewed responses to the Sweetwater RFP.
3. TETA, an affiliate of the International Society for Technology in Education (ISTE), is a non-profit organization comprised of professionals committed to promoting the use of educational technology in the classrooms throughout the state. Our membership primarily consists of K-12 educators but we are very proud of the many corporate partners – including AT&T and ENA – and higher education members who join us in our mission to transform the teaching and learning process in order to advance student achievement. Our purposes include: to share and exchange ideas, materials, and procedures; to promote the effective use of information, communication, and technology; to encourage the appropriate use of technology for the improvement of educational

management; to promote professional standards in the field of educational technology; and to communicate current research relating to educational technology.

4. As executive director, my responsibilities include overseeing the daily workings of TETA, communicating with members and other education professional organizations in Tennessee, and advocating on behalf of our member schools before state and national governments. I am a representative voice for our school systems in the state on the issue of technology in education.

5. Prior to those positions, I spent 45 years working in the public educational system, including 30 years working on issues of technology in the classroom. In 1986, when I was working as a teacher in Giles County, I started using Apple computers to teach students how to use programs that we received on floppy disks. Two years later, I started teaching in Bedford County and that spring, I got a "21st Century Classroom" through a grant program. I got eight computers to use in all of my English classes, along with a big-screen TV and a laser disc player; this was the forerunner of the whiteboards that are used extensively today. I also learned to install wire between classrooms, so other teachers could take advantage of the Internet, as we had to do a lot of the labor ourselves. I was also the technology representation from my school and worked with others to develop technology plans for the entire school system.

6. In 2000, I became the Director of Technology and the Secondary Instructional Supervisor for Bedford County Schools. In that position, which I held until I retired in 2011, I was responsible for curriculum and technology for the school district. I saw the instructional side and the technology side and how they could each help the other. If equipment or

connections didn't work, I understood the big picture of why it was important to get it back up and running as soon as possible.

7. In that position, I also conducted numerous procurements, including technology-related procurements. I have conducted procurement for instructional software, technology equipment, devices, wireless services and telecommunications services.
8. I earned a masters of educational leadership and supervision from Middle Tennessee State University and a bachelor's of science in math and English from Peabody-Vanderbilt University.

SCHOOL TECHNOLOGY NEEDS IN THE STATE OF TENNESSEE

9. At first, technology was just a tool. Now it is so much beyond that. Teachers are expected to know how to use technology as an integral part of their teaching. Students, who are connected 24/7, expect to use technology for research, much as prior generations relied upon encyclopedias. To not be able to use it deprives both students and teachers of an essential resource. Today, technology is a mission-critical and essential skill set. Having the Internet in the classroom is almost as important as having electricity in the classroom.
10. When I was technology director in Bedford County, ensuring that our equipment was working and our internet connection was "up" was critically important to me. At one point, our carrier's network went down often and we were often without Internet access for a week at a time. It was very frustrating for me and for all the teachers. After that carrier, we purchased Internet access services from ENA, and our experience was very different. Many times ENA would call me to identify a problem before I would call them because they see a problem developing as result of their close monitoring of our use of

bandwidth. Within my district, we had multiple carriers providing the physical connections between the school buildings and the Internet point of presence. With ENA, we had one point of contact to work with to address any issues that arose and were assured that our problem would be corrected as soon as possible without any finger-pointing between providers.

11. If couldn't rely on your provider to keep access up and running, you would lose your teachers. That is, your teachers would resist using technology as part of their lesson plans because they couldn't depend upon it. We had to encourage teachers and explain to them that technology was a tool, not an "end all, be all," but it could be used as a tool to teach your subject. But when a teacher loses a connection, they don't want to have a Plan B if their whole lesson plan is built around that technology access. To keep teachers on board with technology as a tool, Internet access had to be stable and provide the access they needed.
12. Of course, as more teachers started to use technology to teach, the demand for bandwidth increased. The more devices you got, the slower the network would go, unless you increased bandwidth.
13. The bandwidth for a particular school has to be sufficient all the way from the Internet to the student in the classroom.
    a. The "bandwidth" necessary to the delivery of content is site-dependent as it is a function of meeting the needs of the number of students, teachers, classrooms and administration at each school.
    b. The delivery of that bandwidth is also site-specific since no one provider has existing fiber cable to all schools in the state, or even all of the schools in a single

district. Especially in the more rural districts in Tennessee that have small schools scattered over a broad geographic area, each school may be serviced by a different Internet service provider.

14. In my role as TETA executive director, part of my job is to keep abreast of the issues schools are facing with respect to technology. A few years ago, it was common knowledge that AT&T had a terrible time with their content filtering software. It was very basic and wouldn't filter what it was supposed to, yet it would block sites that teachers wanted to access.

15. In Tennessee today, the big issue is funding for improved infrastructure within the schools, such as wi-fi or internal connections. Our Governor Haslam has recognized that a lot of school systems needed that infrastructure and proposed a way for the state to help pay for it, as well as the "connected" devices that are used by students and teachers. Many districts are beginning to look at 1-to-1 programs so every student has a device to use at least while they are at school.

16. Most districts are doing well with respect to the amount of bandwidth they have access to. As a consequence of the increased reliance upon technology, everyone needed more than the basic service. You couldn't get that done on AT&T's state master contract. As of last year, only 12 school systems out of about 140 schools in Tennessee were not on a contract with ENA. That's because the state master contract is a basic contract for Internet access. It did not include installation or the ability to build out better networks. If the lines are already installed, the most basic Internet access service was probably cheaper from AT&T. But as you need greater bandwidth, ENA is less expensive for several reasons. Because of the need to coordinate with multiple telephone companies,

ENA would obtain bids for the needed circuits, thereby assuring the choice of the most cost-effective circuits. With respect to installation, ENA would amortize the cost of installation over the length of the contract. In contrast, AT&T would say we're not going to install for you at all or, if they did finally agree to install a circuit, would charge up-front for installation. Then, the only choice the schools had was to try to get to another company to install the facilities. ENA is part of the reason why the overall network and access to the Internet is in better shape than the internal connections within schools. Some of those school systems that AT&T would not run fiber to have since switched to ENA.

SWEETWATER PROCUREMENT

17. Larry Stein, Technology Director for the Sweetwater City Schools, asked if I would serve on the evaluation panel for the Sweetwater procurement seeking bids for telecommunications and Internet access. In Tennessee, there are three major regions – east Tennessee, west Tennessee and middle Tennessee. I was the representative from middle Tennessee, as Melanie Miller from Sweetwater was from east Tennessee and Stephen Johnson was from west Tennessee.
18. As executive director of TETA, however, I felt like I represented the whole state. I felt like I was highly qualified to serve on the evaluation panel. I had the technology background and expertise. I had done many RFPs before. I knew what was needed as far as the school systems were concerned. Also, I didn't have a dog in the fight; that is, I wasn't personally going to be buying from anyone. I felt like I was an unbiased voice who could look at the responses and give a true evaluation, completely unbiased. Both AT&T and ENA were then and are now partners in TETA. My goal was to get the best

contract and the schools could buy off of it with confidence that they could get what their schools needed at the best price.

19. Tom Bayersdorfer assisted with the procurement as a kind of facilitator. I was glad he was helping the Consortium with the process. Tom has a great reputation in the state. He is the E-rate guru in the state. Tom had held sessions at TETA on E-rate, including sessions on how to write an RFP.

20. When we arrived on the morning of March 1, Tom had copies made of the bids and everything ready to go. He explained the process. He gave us two notebooks with the bid responses and a scoresheet. The RFP provided a statement of what was expected for the bidders. In addition to that rubric, we were given a "Consensus Point Score Sheet" that was five pages long and included approximately forty separate points for our analysis. We were to review each of the category of the responses to the corresponding category of the RFP, sections (tabs) and score each of the subcategories independently. After we had each independently graded each category, we would discuss our responses and come up with a consensus score for each criteria of the RFP that had a point value before moving on to the next category. If we had a questions, we could ask Tom. If we could not find a relevant response, Tom told us to make note of it and we could determine whether anyone had found that information during our discussion of the category. Other than that, he sat off by himself while we were reviewing.

21. I had not read the RFP prior to arriving for the evaluation. Once I had reviewed the RFP, I came to the conclusion that it was a detailed and through evaluation rubric – much more detailed and through than rubrics I had used for evaluations in my school system. Part of the reason for that was Tom as he is a stickler for details. The RFP provided for a close

examination of the information actually included in the bid responses. In my opinion, we were able to use the rubric to conduct a fair and thorough comparison of the responses. The Consensus Point Scoresheet was a useful tool for assuring a fair, objective and complete evaluation, and for capturing our scoring of each response.

22. We arrived around 8:30, got started around 9 and finished our review between 5 and 6 p.m. The responses were very long and took us a while to review.

23. I assert that the evaluation process was fair and objective. We made brief notes regarding some of the point allocations as we deliberated, but below I've provided additional information about some of our thoughts and discussion at the time.

    a. Tab 1, "Demonstrate an understanding of the rules and regulations of the E-Rate program." AT&T's response included generic promises regarding E-rate compliance. If we didn't already know what E-rate was, we would not have had further information from AT&T. ENA's response was significantly more detailed. AT&T's response appeared to be that we should trust it to know what it was doing. We wanted to see the evidence of that in its bid. That was true of every response we reviewed.

    b. Tab 1, "Describe in detail all instances in which you have had to make financial restitution to your customers in the last year as it pertains to SLA's." This question was important to the evaluation process because it is evidence of the number of significant outages in a network, which is usually when damages are paid. As I described previously, network outages can significantly harm a teacher's ability to present a lesson, or, if an outage occurs during a testing period,

can wreck havoc on an entire year's worth of preparation. ENA stated it did not have financial restitution in the past year. AT&T refused to answer the question.

c. Tab 1, "Describe in detail the timeline for installation…" We noted that ENA was currently providing services to the members of the Consortium. So it had already engineered and installed of the circuits necessary to provide services. AT&T had issues with installation in the past, especially where it did not already have telecommunications facilities, so we were concerned about AT&T's response to this requirement. We were concerned that AT&T seemed to include qualifiers for its installation, stating that timelines would vary, it would "endeavor" to meet deadlines and it was not responsible for circumstances out of its control. The school year begins on time each year and we could not have a situation where services were not ready on time as well.

d. Tab III, Ineligible Costs. ENA includes handsets bundled in with its VoIP services, as allowed by Commission rules, while AT&T listed separate charges. Objectively, we did not really have to make any sort of judgment as the figures spoke for themselves.

e. Tab IV, "Provide a listing of Previous Customers …that purchased your services/product that were of similar size and scope." As AT&T is aware, the Consortium schools are generally small and rural districts, many of which are not in AT&T's serving area. ENA responded to the question with relevant references, while AT&T listed the Los Angeles Unified School District, which is obviously a large, urban district in California. AT&T also listed Rutherford and Williamson County schools, which are urban and suburban areas with existing fiber

infrastructure. AT&T also listed NetTN, under which some schools had not been able to receive sufficient bandwidth from AT&T.

24. The last category we reviewed was pricing, and here again we felt like we did not have the information that was responsive to the RFP from AT&T. We did our best to review AT&T's response but we knew we were not comparing "apples to apples."

    a. AT&T's response did not include installation.

    b. AT&T also referred us to its NetTN state master contract for pricing, but did not include that contract or any relevant portions with its bid response.

    c. AT&T's bid for content filtering did not make sense. We asked Tom to call AT&T for clarification. They said the price would be based on a number of "sessions." We tried to estimate the number of users and how many sessions they might have so we could include a dollar amount for content filtering. We noted that it should not be the responsibility of the evaluation team to figure out what AT&T's prices were.

    d. AT&T also included an administrative fee of 2 percent but we did not include that as part of AT&T's costs.

    e. Tom plugged the numbers into a spreadsheet that assigned points to both ENA and AT&T. As the lowest bid based on the figures AT&T had included in its bid response, AT&T received 25 points for the category. ENA received points based on a formula that calculated points for ENA's pricing when compared to AT&T's prices.

25. Frankly, I was surprised that AT&T's bid response was so poor. When we had gone through every category, we made the decision to go through AT&T's bid response again

to make sure we did not miss any information, even if it was located in the wrong place in the bid response. We took this step because we had discovered previously that AT&T had often placed information in the wrong tab. We did not take the same action for ENA as we had found all of the requested information in the proper order.

26. When we completed the evaluation and totaled the point assessments, ENA had been awarded 90.2 points and AT&T had been 75.5 points.

27. I would challenge anyone who knows anything about technology to sit down and compare the two responses side by side. If I was determined to select AT&T, I could not have done it with the response AT&T submitted. It was not a complete RFP and there was no comparison in the quality of the two bids.

28. The problem was not with our evaluation; the problem was that AT&T's response was simply not well done. The impression we had after reviewing the response was that AT&T had just thrown together its response, or that AT&T did not think the bid response was important.

HARM TO SCHOOL DISTRICTS

29. In my position as executive director of TETA, I am aware of the harm to the school districts that the three-year delay and the resulting decision has cause. It is a significant financial burden of these districts, many of which are rural and have limited resources. The schools used the services and they owe ENA for those services. With the denial of funding, there's no solution except to find the money to pay the entire bill in their own budgets. ENA graciously has been working with them to spread out the costs over more years while this has been pending. The smaller, the poorer and the more rural the district,

the greater the burden because the only place they have to cut is the number of teachers. The money doesn't just sit there being unused.

30. In some cases, the funding bodies for the districts have not understood this at all. There are directors of schools and directors of technology that are going to lose their jobs over this. Those directors felt like they were making a good decision for their schools when they purchased using the Sweetwater procurement. When they did not receive a funding commitment in a timely manner, what were they supposed to do for three years while this was being decided – not buy Internet access?

I swear that I have read the foregoing and avow the acts stated there in are true and correct to the best of my knowledge and belief.

Joan Gray

Joan Gray
1132 Narrow Road
Shelbyville, TN 37160

Subscribed and sworn to before me this 3rd day of May, 2016.

[Seal]

Notary Public